

CLIENT NEWS BRIEF

New Law Simplifies the Process for Changing Gender and Name on Birth Certificates

Assembly Bill (AB) 1121, which was signed by the Governor on October 8, 2013, affects the procedures for persons to legally change their gender and name via court order. The new law takes effect January 1, 2014.

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Change of Gender

Under existing law, any person who undergoes a clinically appropriate treatment for the purpose of gender transition may petition the court for a judgment and court order recognizing their change of gender. The person seeking to have their gender changed must submit an affidavit from a physician attesting that the person has undergone clinically appropriate treatment for the purpose of gender transition. At the hearing, the court will decide whether to grant the petition. If the petition is granted, a new birth certificate is issued, which replaces any birth certificate previously registered for the person seeking to have their gender changed, and this new birth certificate is the only birth certificate open to public inspection.

Under AB 1121, effective January 1, 2014, the State Registrar will be required to issue a new birth certificate, without a court order, for any person born in California who has undergone a clinically appropriate treatment for the purpose of gender transition, and who submits an affidavit from a physician. This means that in these limited circumstances, persons born in California will not have to go through the court proceedings described above in order to obtain recognition of their change of gender.

Change of Name

Also under existing law, a person seeking to change their name must file a petition with the court. The court then issues an order to all interested persons so that they may file an objection with the court. Additionally, and in most instances, the person seeking to have their name changed must publish a copy of the order in a newspaper of general circulation at least once a week for four weeks. The court can enter an order granting a name change without a hearing if no objection is filed at least two court days before the hearing date.

Effective January 1, 2014, AB 1121 will require, rather than authorize, the court to grant an uncontested name change petition without a hearing. Additionally, AB 1121 exempts any petition for a change of name that is sought in order to conform the person's name to his or her gender identity from newspaper publication requirements, and requires the petition and court order to indicate the proposed name is confidential rather than reciting the name. Lastly, AB 1121 provides that the current legal name of the person seeking to have their name changed must be kept confidential by the court and not published in any court records or public forum or media, as specified, when the petition is sought to conform the petitioner's name to his or her gender identity.

For educational agencies, this new law will affect whether and when student records may be changed to reflect the change in the student's gender and/or name. School districts and community colleges should change a student's gender or name on permanent district records when it receives a court order or



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other legal document, such as a birth certificate, indicating a change in the student's gender or name. Additionally, educational agencies may wish to contact their legal counsel to discuss how this bill may affect their board policies, administrative regulations and/or schoolsite policy regarding name and gender changes on student records, as well as how schoolsites should respond when a student and/or their parent/guardian requests that the student be called by a preferred name and/or pronoun.

If you have any questions regarding AB 1121, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).